



ATTORNEY DOCKET NO. 4700/4

SECTOR

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Brennan J. McTernan et al.
Serial No. : 09/767,268 Examiner: To be Assigned
Filed : January 22, 2001 Group Art Unit: 2152
Title : SYSTEM AND METHOD FOR ACCOUNTING FOR
VARIATIONS IN CLIENT CAPABILITIES IN THE
DISTRIBUTION OF A MEDIA PRESENTATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 35 U.S.C. 1.53(e)(2) IN RESPONSE TO NOTICE OF OMITTED ITEMS

Sir:

Applicants hereby petition that page 31, copy enclosed, of the above-identified application be considered part of the application as filed on January 22, 2001. Applicants have received a stamped, dated and signed return postcard from the PTO indicating that all 38 pages of the specification had been received as part of the application as filed. In support of this assertion, enclosed herewith is a copy of the postcard marked by the PTO indicating a total of 38 pages submitted and received as a specification. This is consistent with a page count conducted prior to filing the application by counsel for applicants to verify all 38 pages of the specification were included with the application.

In addition to the aforementioned documents, enclosed herewith is the petition fee of \$130.00 according to 37 CFR 1.17(i). As applicants contend that the above noted item was in fact received by the PTO with the non-provisional application papers, a prompt refund of the fee is respectfully requested.

Dated: May 2, 2001

Respectfully submitted,

Seth H. Ostrow, Reg. No. 37,410
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
120 West Forty-Fifth Street
New York, NY 10036
(212) 944-1515

05/09/2001 WKOROMA 00000017 09767268

01 FC:122

130.00 0P

I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as First Class Mail addressed to:

Assistant Commissioner for Patents, Washington, D.C. 202311

Seth H. Ostrow

Date